

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00088

DEREK S. HOLLEY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 25, 2016, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Derek S. Holley, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a ten-year term of supervised release in this action on September 4, 2013, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on November 16, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the federal and state offense of distribution of Roxycodone inasmuch as, on at least 50 occasions, he purchased 15 milligram Roxycodone tablets and distributed them to his girlfriend, the last such occasion being December 16, 2015, as evidenced by the defendant's admission on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; and (2) the defendant failed to abide by the probation officer's instruction on September 17, 2015, to cease his relationship with the girlfriend with whom he had then been engaged in criminal activity for at least eight months, and failed to do so, as evidenced by his admission on the record of the hearing; and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not

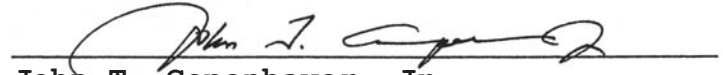
revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of nine years and four months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 2, 2016


John T. Copenhagen, Jr.
United States District Judge